

Building Blocks for Housing Elements

Governmental Constraints

Codes and Enforcement and On Off-Site Improvement Standards

Government Code Section 65583(a) requires “An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels,...including land-use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures...”

I. REQUISITE ANALYSIS

Codes and Enforcement

- Identify current Uniform Building Code (UBC) adopted and enforced by the jurisdiction. Describe how the building code is implemented and whether the process optimizes predictability for developers. A code amendment, which specifies expensive materials and/or methods, can pose a significant constraint to housing development or maintenance.
- Identify and analyze any local amendments to the State housing law or UBC.
- Discuss the type and degree of enforcement.
- Describe any efforts to link code enforcement activities to housing rehabilitation programs.
- Describe Compliance with *Health and Safety Code 17980(b)(2)*.

Health and Safety Code requires local governments to give consideration to the needs for housing as expressed in the housing element when deciding whether to require vacation of a substandard building or to repair as necessary. The enforcement agency is required to give preference to the repair of the building whenever it is economically feasible to do so without having to repair more than 75 percent of the dwelling.

On/Off-Site Improvement Standards

On/Off-site improvement standards establish infrastructure or site requirements to support new residential development such as streets, sidewalks, water and sewer, drainage, curbs and gutters, street signs, park dedications, utility easements and landscaping. While these improvements are necessary to ensure that new housing meets the local jurisdiction's development goals, the cost of these requirements can represent a significant share of the cost of producing new housing.

As stated in the HUD's study of *Subdivision Requirements as a Regulatory Barriers*, such requirements can reasonably be considered *regulatory barriers* to affordable housing if the jurisdiction determined requirements are greater (and hence, more costly) than those necessary to achieve health and safety requirements in the community.

Required Analysis:

The element must identify and analyze street widths, curb, gutter, and sidewalk requirements, water and sewer connections, landscaping, circulation improvement requirements, and any other on/off-site improvement required by the jurisdiction. In addition, the element must describe any generally applicable level of service standards or mitigation thresholds.

KEY IDEAS

II. HELPFUL HINTS

Substandard Housing Program

The Franchise Tax Board (FTB) operates the Substandard Housing Program which assists the State and local agencies responsible for abating unsafe living conditions that violate Health and Safety Codes. Property owners in violation of Health and Safety Code standards are not allowed to make certain deductions on their personal tax returns pursuant to California Revenue & Taxation Code (CR&TC) Sections 17274 and 24436.5. That additional revenue collected by FTB is transferred to the Local Code Enforcement Rehabilitation fund. These funds are allocated and disbursed to the cities and counties that generated the notification of substandard housing to the FTB.

III. LINKS

[HCD Model Universal Design Local Ordinance \(AB 2787\)](#)

[The Franchise Tax Board, Substandard Housing program](#)

[California Association of Code Enforcement Officers](#)

[City of Los Angeles Systematic Code Enforcement Program \(SCEP\)](#)

[City of Davis Resale Inspection Program](#)

[HUD, Study of Subdivision Requirements as a Regulatory Barrier](#)

[Fair Housing of Sonoma County "Resources for Landlords and Tenants"](#)

[Legal Services of Northern California Housing Law/Issues](#)

[City of Petaluma Code Enforcement Division](#)

[City of Salinas Code Enforcement Division](#)

[City of Charlotte Code Enforcement Division](#)

[County of Sacramento Code Enforcement](#)

[City of Baltimore Code Enforcement](#)

[Montgomery County, Maryland "Housing Code Enforcement Handbook"](#)